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In re Application of:
OSMAN, Saleh, et al. : DECISION ON RENEWED
U.S. Application No.: 10/538,624 : PETITION UNDER 37 CFR 1.47(a)
PCT No.: PCT/IB03/05881 : AND PETITION FOR REVIVAL
Int'l Filing Date: 10 December 2003 : UNDER 37 CFR 1.137(b)
Priority Date: 12 December 2002 :
Atty Docket No.: PHUS020555 :
For: PRESERVING LINEARITY OF AN :
ISOLATOR-FREE POWER :
AMPLIFIER BY DYNAMICALLY :
SWITCHING ACTIVE DEVICES :
:

The present decision is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" and the renewed "Petition Under 37 CFR 1.47(a)" filed 16 January 2007. Applicants have paid the petition fee required for the petition under 37 CFR 1.137(b); no additional petition fee is required for the renewed petition under 37 CFR 1.47(a).

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 30 March 2006. That decision dismissed applicants' original petition under 37 CFR 1.47(a) for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had not provided an acceptable showing that the non-signing inventor could not be reached after diligent effort.

The decision mailed 30 March 2006 provided applicants with a two-month response period, extendable under 37 CFR 1.136(a). Applicants did not file a response during the available period. Accordingly, the present application became abandoned at midnight on 30 May 2006 for failure to file a proper and timely response to the decision mailed 30 March 2006.

On 16 January 2007, applicants filed the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" and the renewed "Petition Under 37 CFR 1.47(a)" considered herein.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the “entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional,” and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1), the “required reply” in the present circumstances is a grantable renewed petition under 37 CFR 1.47(a). The materials included with the renewed petition under 37 CFR 1.47(a) filed 16 January 2007 supplement the original petition sufficiently to support a conclusion that the inventor cannot be located after diligent effort. Applicants have therefore satisfied the final requirement for a grantable petition under 37 CFR 1.47(a). Accordingly, the renewed petition under 37 CFR 1.47(a) is appropriately granted, and item (1) of a grantable petition for revival under 37 CFR 1.137(b) is satisfied.

As for the remaining elements of a grantable petition under 37 CFR 1.137(b), applicants have submitted the required petition fee, satisfying item (2), and the petition includes a statement that the “entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional,” satisfying item (3) (item (4) does not apply to the present application). Thus, applicants have satisfied all the requirements for a grantable petition for revival under 37 CFR 1.137(b).

CONCLUSION

The petition for revival under 37 CFR 1.137(b) is **GRANTED**.

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Saleh OSMAN.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Finally, it is noted that present submission lists an address different from the correspondence address of record (listed above), and the submission includes a “Change of Correspondence Address” (Form PTO/SB/122) seeking to change the correspondence address of record. The attorney who signed the Form PTO/SB/122 is not of record herein. Accordingly, the request to change the correspondence address is ineffective. A courtesy copy of the present decision will be sent to the address listed on the present petition; however, until a proper request to change the correspondence address of record is submitted, all future correspondence herein will be directed solely to the above-listed address of record.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 February 2006.

RM

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Saleh OSMAN
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Norwood, MA 02062

In re Application of: OSMAN, Saleh, et al. ,

U.S. Application No.: 10/538,624

PCT No.: PCT/IB03/05881

Int'l Filing Date: 10 December 2003

Priority Date: 12 December 2002

Atty Docket No.: PHUS020555

For: PRESERVING LINEARITY OF AN ISOLATOR-FREE POWER AMPLIFIER BY
DYNAMICALLY SWITCHING ACTIVE DEVICES

Dear Mr. OSMAN:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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